

AMENDED IN ASSEMBLY APRIL 24, 2003  
AMENDED IN ASSEMBLY MARCH 12, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 201**

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**Introduced by Assembly Member Samuelian**

January 28, 2003

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An act to amend ~~Section~~ *Sections 12071 and 12807* of the Penal Code, relating to firearms.

### LEGISLATIVE COUNSEL'S DIGEST

AB 201, as amended, Samuelian. Firearms.

*Existing law generally regulates firearms dealers.*

*This bill would additionally require firearms dealers, at the time a firearm is delivered to the purchaser, to provide to every handgun purchaser who is exempted from possessing a Handgun Safety Certificate, a copy of the Handgun Safety Certificate Handbook, published by the Department of Justice.*

Existing law provides, subject to certain exceptions, that no person may purchase or receive a handgun, unless that person has a handgun safety certificate, and that no person may sell, deliver, loan or transfer a handgun, unless the recipient has a handgun safety certificate. Existing law exempts from these requirements, among other persons, an honorably retired member of the United States Armed Forces, National Guard, or Air National Guard.

This bill would revise those provisions to exempt honorably discharged members of the United States Armed Forces, National Guard, or Air National Guard.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. *Section 12071 of the Penal Code, as amended*  
2 *by Section 1 of Chapter 911 of the Statutes of 2002, is amended to*  
3 *read:*  
4     12071. (a) (1) As used in this chapter, the term “licensee,”  
5 “person licensed pursuant to Section 12071,” or “dealer” means  
6 a person who has all of the following:  
7     (A) A valid federal firearms license.  
8     (B) Any regulatory or business license, or licenses, required by  
9 local government.  
10    (C) A valid seller’s permit issued by the State Board of  
11 Equalization.  
12    (D) A certificate of eligibility issued by the Department of  
13 Justice pursuant to paragraph (4).  
14    (E) A license issued in the format prescribed by paragraph (6).  
15    (F) Is among those recorded in the centralized list specified in  
16 subdivision (e).  
17    (2) The duly constituted licensing authority of a city, county, or  
18 a city and county shall accept applications for, and may grant  
19 licenses permitting, licensees to sell firearms at retail within the  
20 city, county, or city and county. The duly constituted licensing  
21 authority shall inform applicants who are denied licenses of the  
22 reasons for the denial in writing.  
23    (3) No license shall be granted to any applicant who fails to  
24 provide a copy of his or her valid federal firearms license, valid  
25 seller’s permit issued by the State Board of Equalization, and the  
26 certificate of eligibility described in paragraph (4).  
27    (4) A person may request a certificate of eligibility from the  
28 Department of Justice and the Department of Justice shall issue a  
29 certificate to an applicant if the department’s records indicate that  
30 the applicant is not a person who is prohibited from possessing  
31 firearms.  
32    (5) The department shall adopt regulations to administer the  
33 certificate of eligibility program and shall recover the full costs of  
34 administering the program by imposing fees assessed to applicants  
35 who apply for those certificates.

(6) A license granted by the duly constituted licensing authority of any city, county, or city and county, shall be valid for not more than one year from the date of issuance and shall be in one of the following forms:

(A) In the form prescribed by the Attorney General.

(B) A regulatory or business license that states on its face “Valid for Retail Sales of Firearms” and is endorsed by the signature of the issuing authority.

(C) A letter from the duly constituted licensing authority having primary jurisdiction for the applicant’s intended business location stating that the jurisdiction does not require any form of regulatory or business license or does not otherwise restrict or regulate the sale of firearms.

(7) Local licensing authorities may assess fees to recover their full costs of processing applications for licenses.

(b) A license is subject to forfeiture for a breach of any of the following prohibitions and requirements:

(1) (A) Except as provided in subparagraphs (B) and (C), the business shall be conducted only in the buildings designated in the license.

(B) A person licensed pursuant to subdivision (a) may take possession of firearms and commence preparation of registers for the sale, delivery, or transfer of firearms at gun shows or events, as defined in Section 178.100 of Title 27 of the Code of Federal Regulations, or its successor, if the gun show or event is not conducted from any motorized or towed vehicle. A person conducting business pursuant to this subparagraph shall be entitled to conduct business as authorized herein at any gun show or event in the state without regard to the jurisdiction within this state that issued the license pursuant to subdivision (a), provided the person complies with (i) all applicable laws, including, but not limited to, the waiting period specified in subparagraph (A) of paragraph (3), and (ii) all applicable local laws, regulations, and fees, if any.

A person conducting business pursuant to this subparagraph shall publicly display his or her license issued pursuant to subdivision (a), or a facsimile thereof, at any gun show or event, as specified in this subparagraph.

(C) A person licensed pursuant to subdivision (a) may engage in the sale and transfer of firearms other than pistols, revolvers, or other firearms capable of being concealed upon the person, at

1 events specified in subdivision (g) of Section 12078, subject to the  
2 prohibitions and restrictions contained in that subdivision.

3 A person licensed pursuant to subdivision (a) also may accept  
4 delivery of firearms other than pistols, revolvers, or other firearms  
5 capable of being concealed upon the person, outside the building  
6 designated in the license, provided the firearm is being donated for  
7 the purpose of sale or transfer at an auction or similar event  
8 specified in subdivision (g) of Section 12078.

9 (D) The firearm may be delivered to the purchaser, transferee,  
10 or person being loaned the firearm at one of the following places:

11 (i) The building designated in the license.

12 (ii) The places specified in subparagraph (B) or (C).

13 (iii) The place of residence of, the fixed place of business of,  
14 or on private property owned or lawfully possessed by, the  
15 purchaser, transferee, or person being loaned the firearm.

16 (2) The license or a copy thereof, certified by the issuing  
17 authority, shall be displayed on the premises where it can easily be  
18 seen.

19 (3) No firearm shall be delivered:

20 (A) Within 10 days of the application to purchase, or, after  
21 notice by the department pursuant to subdivision (d) of Section  
22 12076, within 10 days of the submission to the department of any  
23 correction to the application, or within 10 days of the submission  
24 to the department of any fee required pursuant to subdivision (e)  
25 of Section 12076, whichever is later.

26 (B) Unless unloaded and securely wrapped or unloaded and in  
27 a locked container.

28 (C) Unless the purchaser, transferee, or person being loaned the  
29 firearm presents clear evidence of his or her identity and age to the  
30 dealer.

31 (D) Whenever the dealer is notified by the Department of  
32 Justice that the person is in a prohibited class described in Section  
33 12021 or 12021.1 of this code or Section 8100 or 8103 of the  
34 Welfare and Institutions Code. The dealer shall make available to  
35 the person in the prohibited class a prohibited notice and transfer  
36 form, provided by the department, stating that the person is  
37 prohibited from owning or possessing a firearm, and that the  
38 person may obtain from the department the reason for the  
39 prohibition.

1 (4) No pistol, revolver, or other firearm or imitation thereof  
2 capable of being concealed upon the person, or placard advertising  
3 the sale or other transfer thereof, shall be displayed in any part of  
4 the premises where it can readily be seen from the outside.

5 (5) The licensee shall agree to and shall act properly and  
6 promptly in processing firearms transactions pursuant to Section  
7 12082.

8 (6) The licensee shall comply with Sections 12073, 12076, and  
9 12077, subdivisions (a) and (b) of Section 12072, and subdivision  
10 (a) of Section 12316.

11 (7) The licensee shall post conspicuously within the licensed  
12 premises the following warnings in block letters not less than one  
13 inch in height:

14 (A) "IF YOU KEEP A LOADED FIREARM WITHIN ANY  
15 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND  
16 A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND  
17 USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES  
18 IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A  
19 MISDEMEANOR OR A FELONY UNLESS YOU STORED  
20 THE FIREARM IN A LOCKED CONTAINER OR LOCKED  
21 THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT  
22 FROM TEMPORARILY FUNCTIONING."

23 (B) "IF YOU KEEP A PISTOL, REVOLVER, OR OTHER  
24 FIREARM CAPABLE OF BEING CONCEALED UPON THE  
25 PERSON, WITHIN ANY PREMISES UNDER YOUR  
26 CUSTODY OR CONTROL, AND A PERSON UNDER 18  
27 YEARS OF AGE GAINS ACCESS TO THE FIREARM, AND  
28 CARRIES IT OFF-PREMISES, YOU MAY BE GUILTY OF A  
29 MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN  
30 A LOCKED CONTAINER, OR LOCKED THE FIREARM  
31 WITH A LOCKING DEVICE, TO KEEP IT FROM  
32 TEMPORARILY FUNCTIONING."

33 (C) "IF YOU KEEP ANY FIREARM WITHIN ANY  
34 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND  
35 A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO  
36 THE FIREARM, AND CARRIES IT OFF-PREMISES TO A  
37 SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY BE  
38 GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP  
39 TO FIVE THOUSAND DOLLARS (\$5,000), UNLESS YOU

1 STORED THE FIREARM IN A LOCKED CONTAINER, OR  
2 LOCKED THE FIREARM WITH A LOCKING DEVICE.”

3 (D) “DISCHARGING FIREARMS IN POORLY  
4 VENTILATED AREAS, CLEANING FIREARMS, OR  
5 HANDLING AMMUNITION MAY RESULT IN EXPOSURE  
6 TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH  
7 DEFECTS, REPRODUCTIVE HARM, AND OTHER SERIOUS  
8 PHYSICAL INJURY. HAVE ADEQUATE VENTILATION AT  
9 ALL TIMES. WASH HANDS THOROUGHLY AFTER  
10 EXPOSURE.”

11 (E) “FEDERAL REGULATIONS PROVIDE THAT IF YOU  
12 DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM  
13 THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30  
14 DAYS AFTER YOU COMPLETE THE INITIAL  
15 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE  
16 TO GO THROUGH THE BACKGROUND CHECK PROCESS  
17 A SECOND TIME IN ORDER TO TAKE PHYSICAL  
18 POSSESSION OF THAT FIREARM.”

19 (F) “NO PERSON SHALL MAKE AN APPLICATION TO  
20 PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR  
21 OTHER FIREARM CAPABLE OF BEING CONCEALED  
22 UPON THE PERSON WITHIN ANY 30-DAY PERIOD AND  
23 NO DELIVERY SHALL BE MADE TO ANY PERSON WHO  
24 HAS MADE AN APPLICATION TO PURCHASE MORE  
25 THAN ONE PISTOL, REVOLVER, OR OTHER FIREARM  
26 CAPABLE OF BEING CONCEALED UPON THE PERSON  
27 WITHIN ANY 30-DAY PERIOD.”

28 (8) (A) Commencing April 1, 1994, and until January 1, 2003,  
29 no pistol, revolver, or other firearm capable of being concealed  
30 upon the person shall be delivered unless the purchaser, transferee,  
31 or person being loaned the firearm presents to the dealer a basic  
32 firearms safety certificate.

33 (B) Commencing January 1, 2003, no dealer may deliver a  
34 handgun unless the person receiving the handgun presents to the  
35 dealer a valid handgun safety certificate. The firearms dealer shall  
36 retain a photocopy of the handgun safety certificate as proof of  
37 compliance with this requirement.

38 (C) Commencing January 1, 2003, no handgun may be  
39 delivered unless the purchaser, transferee, or person being loaned  
40 the firearm presents documentation indicating that he or she is a

1 California resident. Satisfactory documentation shall include a  
2 utility bill from within the last three months, a residential lease, a  
3 property deed, or military permanent duty station orders indicating  
4 assignment within this state, or other evidence of residency as  
5 permitted by the Department of Justice. The firearms dealer shall  
6 retain a photocopy of the documentation as proof of compliance  
7 with this requirement.

8 (D) Commencing January 1, 2003, except as authorized by the  
9 department, no firearms dealer may deliver a handgun unless the  
10 recipient performs a safe handling demonstration with that  
11 handgun. The demonstration shall commence with the handgun  
12 unloaded and locked with the firearm safety device with which it  
13 is required to be delivered, if applicable. While maintaining  
14 muzzle awareness, that is, the firearm is pointed in a safe direction,  
15 preferably down at the ground, and trigger discipline, that is, the  
16 trigger finger is outside of the trigger guard and along side of the  
17 handgun frame, at all times, the handgun recipient shall correctly  
18 and safely perform the following:

19 (i) If the handgun is a semiautomatic pistol:

20 (I) Remove the magazine.

21 (II) Lock the slide back. If the model of firearm does not allow  
22 the slide to be locked back, pull the slide back, visually and  
23 physically check the chamber to ensure that it is clear.

24 (III) Visually and physically inspect the chamber, to ensure that  
25 the handgun is unloaded.

26 (IV) Remove the firearm safety device, if applicable. If the  
27 firearm safety device prevents any of the previous steps, remove  
28 the firearm safety device during the appropriate step.

29 (V) Load one bright orange, red, or other readily identifiable  
30 dummy round into the magazine. If no readily identifiable dummy  
31 round is available, an empty cartridge casing with an empty primer  
32 pocket may be used.

33 (VI) Insert the magazine into the magazine well of the firearm.

34 (VII) Manipulate the slide release or pull back and release the  
35 slide.

36 (VIII) Remove the magazine.

37 (IX) Visually inspect the chamber to reveal that a round can be  
38 chambered with the magazine removed.

39 (X) Lock the slide back to eject the bright orange, red, or other  
40 readily identifiable dummy round. If the handgun is of a model that



1 does not allow the slide to be locked back, pull the slide back and  
2 physically check the chamber to ensure that the chamber is clear.  
3 If no readily identifiable dummy round is available, an empty  
4 cartridge casing with an empty primer pocket may be used.  
5 (XI) Apply the safety, if applicable.  
6 (XII) Apply the firearm safety device, if applicable. This  
7 requirement shall not apply to an Olympic competition pistol if no  
8 firearms safety device, other than a cable lock that the department  
9 has determined would damage the barrel of the pistol, has been  
10 approved for the pistol, and the pistol is either listed in paragraph  
11 (2) of subdivision (h) of Section 12132 or is subject to paragraph  
12 (3) of subdivision (h) of Section 12132.  
13 (ii) If the handgun is a double-action revolver:  
14 (I) Open the cylinder.  
15 (II) Visually and physically inspect each chamber, to ensure  
16 that the revolver is unloaded.  
17 (III) Remove the firearm safety device. If the firearm safety  
18 device prevents any of the previous steps, remove the firearm  
19 safety device during the appropriate step.  
20 (IV) While maintaining muzzle awareness and trigger  
21 discipline, load one bright orange, red, or other readily identifiable  
22 dummy round into a chamber of the cylinder and rotate the  
23 cylinder so that the round is in the next-to-fire position. If no  
24 readily identifiable dummy round is available, an empty cartridge  
25 casing with an empty primer pocket may be used.  
26 (V) Close the cylinder.  
27 (VI) Open the cylinder and eject the round.  
28 (VII) Visually and physically inspect each chamber to ensure  
29 that the revolver is unloaded.  
30 (VIII) Apply the firearm safety device, if applicable. This  
31 requirement shall not apply to an Olympic competition pistol if no  
32 firearms safety device, other than a cable lock that the department  
33 has determined would damage the barrel of the pistol, has been  
34 approved for the pistol, and the pistol is either listed in paragraph  
35 (2) of subdivision (h) of Section 12132 or is subject to paragraph  
36 (3) of subdivision (h) of Section 12132.  
37 (iii) If the handgun is a single-action revolver:  
38 (I) Open the loading gate.  
39 (II) Visually and physically inspect each chamber, to ensure  
40 that the revolver is unloaded.





1 (III) Remove the firearm safety device required to be sold with  
2 the handgun. If the firearm safety device prevents any of the  
3 previous steps, remove the firearm safety device during the  
4 appropriate step.

5 (IV) Load one bright orange, red, or other readily identifiable  
6 dummy round into a chamber of the cylinder, close the loading  
7 gate and rotate the cylinder so that the round is in the next-to-fire  
8 position. If no readily identifiable dummy round is available, an  
9 empty cartridge casing with an empty primer pocket may be used.

10 (V) Open the loading gate and unload the revolver.

11 (VI) Visually and physically inspect each chamber to ensure  
12 that the revolver is unloaded.

13 (VII) Apply the firearm safety device, if applicable. This  
14 requirement shall not apply to an Olympic competition pistol if no  
15 firearms safety device, other than a cable lock that the department  
16 has determined would damage the barrel of the pistol, has been  
17 approved for the pistol, and the pistol is either listed in paragraph  
18 (2) of subdivision (h) of Section 12132 or is subject to paragraph  
19 (3) of subdivision (h) of Section 12132.

20 (E) The recipient shall receive instruction regarding how to  
21 render that handgun safe in the event of a jam.

22 (F) The firearms dealer shall sign and date an affidavit stating  
23 that the requirements of subparagraph (D) have been met. The  
24 firearms dealer shall additionally obtain the signature of the  
25 handgun purchaser on the same affidavit. The firearms dealer shall  
26 retain the original affidavit as proof of compliance with this  
27 requirement.

28 (G) The recipient shall perform the safe handling  
29 demonstration for a department certified instructor.

30 (H) No demonstration shall be required if the dealer is  
31 returning the handgun to the owner of the handgun.

32 (I) Department certified instructors who may administer the  
33 safe handling demonstration shall meet the requirements set forth  
34 in subdivision (j) of Section 12804.

35 (J) The persons who are exempt from the requirements of  
36 subdivision (b) of Section 12801, pursuant to Section 12807, are  
37 also exempt from performing the safe handling demonstration.

38 (9) Commencing July 1, 1992, the licensee shall offer to  
39 provide the purchaser or transferee of a firearm, or person being  
40 loaned a firearm, with a copy of the pamphlet described in Section

1 12080 and may add the cost of the pamphlet, if any, to the sales  
2 price of the firearm.

3 (10) The licensee shall not commit an act of collusion as  
4 defined in Section 12072.

5 (11) The licensee shall post conspicuously within the licensed  
6 premises a detailed list of each of the following:

7 (A) All charges required by governmental agencies for  
8 processing firearm transfers required by Sections 12076, 12082,  
9 and 12806.

10 (B) All fees that the licensee charges pursuant to Sections  
11 12082 and 12806.

12 (12) The licensee shall not misstate the amount of fees charged  
13 by a governmental agency pursuant to Sections 12076, 12082, and  
14 12806.

15 (13) The licensee shall report the loss or theft of any firearm  
16 that is merchandise of the licensee, any firearm that the licensee  
17 takes possession of pursuant to Section 12082, or any firearm kept  
18 at the licensee's place of business within 48 hours of discovery to  
19 the appropriate law enforcement agency in the city, county, or city  
20 and county where the licensee's business premises are located.

21 (14) In a city and county, or in the unincorporated area of a  
22 county with a population of 200,000 persons or more according to  
23 the most recent federal decennial census or within a city with a  
24 population of 50,000 persons or more according to the most recent  
25 federal decennial census, any time the licensee is not open for  
26 business, the licensee shall store all firearms kept in his or her  
27 licensed place of business using one of the following methods as  
28 to each particular firearm:

29 (A) Store the firearm in a secure facility that is a part of, or that  
30 constitutes, the licensee's business premises.

31 (B) Secure the firearm with a hardened steel rod or cable of at  
32 least one-eighth inch in diameter through the trigger guard of the  
33 firearm. The steel rod or cable shall be secured with a hardened  
34 steel lock that has a shackle. The lock and shackle shall be  
35 protected or shielded from the use of a bolt cutter and the rod or  
36 cable shall be anchored in a manner that prevents the removal of  
37 the firearm from the premises.

38 (C) Store the firearm in a locked fireproof safe or vault in the  
39 licensee's business premises.



1 (15) The licensing authority in an unincorporated area of a  
2 county with a population of less than 200,000 persons according  
3 to the most recent federal decennial census or within a city with a  
4 population of less than 50,000 persons according to the most recent  
5 federal decennial census may impose the requirements specified  
6 in paragraph (14).

7 (16) Commencing January 1, 1994, the licensee shall, upon the  
8 issuance or renewal of a license, submit a copy of the same to the  
9 Department of Justice.

10 (17) The licensee shall maintain and make available for  
11 inspection during business hours to any peace officer, authorized  
12 local law enforcement employee, or Department of Justice  
13 employee designated by the Attorney General, upon the  
14 presentation of proper identification, a firearms transaction  
15 record.

16 (18) (A) On the date of receipt, the licensee shall report to the  
17 Department of Justice in a format prescribed by the department the  
18 acquisition by the licensee of the ownership of a pistol, revolver,  
19 or other firearm capable of being concealed upon the person.

20 (B) The provisions of this paragraph shall not apply to any of  
21 the following transactions:

22 (i) A transaction subject to the provisions of subdivision (n) of  
23 Section 12078.

24 (ii) The dealer acquired the firearm from a wholesaler.

25 (iii) The dealer is also licensed as a secondhand dealer pursuant  
26 to Article 4 (commencing with Section 21625) of Chapter 9 of  
27 Division 8 of the Business and Professions Code.

28 (iv) The dealer acquired the firearm from a person who is  
29 licensed as a manufacturer or importer to engage in those activities  
30 pursuant to Chapter 44 (commencing with Section 921) of Title 18  
31 of the United States Code and any regulations issued pursuant  
32 thereto.

33 (v) The dealer acquired the firearm from a person who resides  
34 outside this state who is licensed pursuant to Chapter 44  
35 (commencing with Section 921) of Title 18 of the United States  
36 Code and any regulations issued pursuant thereto.

37 (19) The licensee shall forward in a format prescribed by the  
38 Department of Justice, information as required by the department  
39 on any firearm that is not delivered within the time period set forth

1 in Section 178.102 (c) of Title 27 of the Code of Federal  
2 Regulations.

3 (20) *The licensee shall, at the time a firearm is delivered to the*  
4 *purchaser, provide to every handgun purchaser who is exempted*  
5 *from possessing a Handgun Safety Certificate pursuant to Section*  
6 *12807, a copy of the Handgun Safety Certificate Handbook,*  
7 *published by the Department of Justice.*

8 (c) (1) As used in this article, “clear evidence of his or her  
9 identity and age” means either of the following:

10 (A) A valid California driver’s license.

11 (B) A valid California identification card issued by the  
12 Department of Motor Vehicles.

13 (2) As used in this section, a “secure facility” means a building  
14 that meets all of the following specifications:

15 (A) All perimeter doorways shall meet one of the following:

16 (i) A windowless steel security door equipped with both a dead  
17 bolt and a doorknob lock.

18 (ii) A windowed metal door that is equipped with both a dead  
19 bolt and a doorknob lock. If the window has an opening of 5 inches  
20 or more measured in any direction, the window shall be covered  
21 with steel bars of at least  $\frac{1}{2}$  inch diameter or metal grating of at  
22 least 9 gauge affixed to the exterior or interior of the door.

23 (iii) A metal grate that is padlocked and affixed to the licensee’s  
24 premises independent of the door and doorframe.

25 (B) All windows are covered with steel bars.

26 (C) Heating, ventilating, air-conditioning, and service  
27 openings are secured with steel bars, metal grating, or an alarm  
28 system.

29 (D) Any metal grates have spaces no larger than 6 inches wide  
30 measured in any direction.

31 (E) Any metal screens have spaces no larger than 3 inches wide  
32 measured in any direction.

33 (F) All steel bars shall be no further than 6 inches apart.

34 (3) As used in this section, “licensed premises,” “licensed  
35 place of business,” “licensee’s place of business,” or “licensee’s  
36 business premises” means the building designated in the license.

37 (4) For purposes of paragraph (17) of subdivision (b):

38 (A) A “firearms transaction record” is a record containing the  
39 same information referred to in subdivision (a) of Section

178.124, Section 178.124a, and subdivision (e) of Section 178.125 of Title 27 of the Code of Federal Regulations.

(B) A licensee shall be in compliance with the provisions of paragraph (17) of subdivision (b) if he or she maintains and makes available for inspection during business hours to any peace officer, authorized local law enforcement employee, or Department of Justice employee designated by the Attorney General, upon the presentation of proper identification, the bound book containing the same information referred to in Section 178.124a and subdivision (e) of Section 178.125 of Title 27 of the Code of Federal Regulations and the records referred to in subdivision (a) of Section 178.124 of Title 27 of the Code of Federal Regulations.

(d) Upon written request from a licensee, the licensing authority may grant an exemption from compliance with the requirements of paragraph (14) of subdivision (b) if the licensee is unable to comply with those requirements because of local ordinances, covenants, lease conditions, or similar circumstances not under the control of the licensee.

(e) Except as otherwise provided in this subdivision, the Department of Justice shall keep a centralized list of all persons licensed pursuant to subparagraphs (A) to (E), inclusive, of paragraph (1) of subdivision (a). The department may remove from this list any person who knowingly or with gross negligence violates this article. Upon removal of a dealer from this list, notification shall be provided to local law enforcement and licensing authorities in the jurisdiction where the dealer's business is located. The department shall make information about an individual dealer available, upon request, for one of the following purposes only:

(1) For law enforcement purposes.

(2) When the information is requested by a person licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code for determining the validity of the license for firearm shipments.

(3) When information is requested by a person promoting, sponsoring, operating, or otherwise organizing a show or event as defined in Section 178.100 of Title 27 of the Code of Federal Regulations, or its successor, who possesses a valid certificate of eligibility issued pursuant to Section 12071.1, if that information is requested by the person to determine the eligibility of a

1 prospective participant in a gun show or event to conduct  
2 transactions as a firearms dealer pursuant to subparagraph (B) of  
3 paragraph (1) of subdivision (b). Information provided pursuant  
4 to this paragraph shall be limited to information necessary to  
5 corroborate an individual's current license status.

6 (f) The Department of Justice may inspect dealers to ensure  
7 compliance with this article. The department may assess an annual  
8 fee, not to exceed one hundred fifteen dollars (\$115), to cover the  
9 reasonable cost of maintaining the list described in subdivision (e),  
10 including the cost of inspections. Dealers whose place of business  
11 is in a jurisdiction that has adopted an inspection program to ensure  
12 compliance with firearms law shall be exempt from that portion of  
13 the department's fee that relates to the cost of inspections. The  
14 applicant is responsible for providing evidence to the department  
15 that the jurisdiction in which the business is located has the  
16 inspection program.

17 (g) The Department of Justice shall maintain and make  
18 available upon request information concerning the number of  
19 inspections conducted and the amount of fees collected pursuant  
20 to subdivision (f), a listing of exempted jurisdictions, as defined  
21 in subdivision (f), the number of dealers removed from the  
22 centralized list defined in subdivision (e), and the number of  
23 dealers found to have violated this article with knowledge or gross  
24 negligence.

25 (h) Paragraph (14) or (15) of subdivision (b) shall not apply to  
26 a licensee organized as a nonprofit public benefit or mutual benefit  
27 corporation organized pursuant to Part 2 (commencing with  
28 Section 5110) or Part 3 (commencing with Section 7110) of  
29 Division 2 of the Corporations Code, if both of the following  
30 conditions are satisfied:

31 (1) The nonprofit public benefit or mutual benefit corporation  
32 obtained the dealer's license solely and exclusively to assist that  
33 corporation or local chapters of that corporation in conducting  
34 auctions or similar events at which firearms are auctioned off to  
35 fund the activities of that corporation or the local chapters of the  
36 corporation.

37 (2) The firearms are not pistols, revolvers, or other firearms  
38 capable of being concealed upon the person.



1     *SEC. 2. Section 12071 of the Penal Code, as amended by*  
2     *Section 1.5 of Chapter 911 of the Statutes of 2002, is amended to*  
3     *read:*

4     12071. (a) (1) As used in this chapter, the term “licensee,”  
5     “person licensed pursuant to Section 12071,” or “dealer” means  
6     a person who has all of the following:

7         (A) A valid federal firearms license.

8         (B) Any regulatory or business license, or licenses, required by  
9     local government.

10        (C) A valid seller’s permit issued by the State Board of  
11     Equalization.

12        (D) A certificate of eligibility issued by the Department of  
13     Justice pursuant to paragraph (4).

14        (E) A license issued in the format prescribed by paragraph (6).

15        (F) Is among those recorded in the centralized list specified in  
16     subdivision (e).

17     (2) The duly constituted licensing authority of a city, county, or  
18     a city and county shall accept applications for, and may grant  
19     licenses permitting, licensees to sell firearms at retail within the  
20     city, county, or city and county. The duly constituted licensing  
21     authority shall inform applicants who are denied licenses of the  
22     reasons for the denial in writing.

23     (3) No license shall be granted to any applicant who fails to  
24     provide a copy of his or her valid federal firearms license, valid  
25     seller’s permit issued by the State Board of Equalization, and the  
26     certificate of eligibility described in paragraph (4).

27     (4) A person may request a certificate of eligibility from the  
28     Department of Justice and the Department of Justice shall issue a  
29     certificate to an applicant if the department’s records indicate that  
30     the applicant is not a person who is prohibited from possessing  
31     firearms.

32     (5) The department shall adopt regulations to administer the  
33     certificate of eligibility program and shall recover the full costs of  
34     administering the program by imposing fees assessed to applicants  
35     who apply for those certificates.

36     (6) A license granted by the duly constituted licensing  
37     authority of any city, county, or city and county, shall be valid for  
38     not more than one year from the date of issuance and shall be in  
39     one of the following forms:

40         (A) In the form prescribed by the Attorney General.



1 (B) A regulatory or business license that states on its face  
2 “Valid for Retail Sales of Firearms” and is endorsed by the  
3 signature of the issuing authority.

4 (C) A letter from the duly constituted licensing authority  
5 having primary jurisdiction for the applicant’s intended business  
6 location stating that the jurisdiction does not require any form of  
7 regulatory or business license or does not otherwise restrict or  
8 regulate the sale of firearms.

9 (7) Local licensing authorities may assess fees to recover their  
10 full costs of processing applications for licenses.

11 (b) A license is subject to forfeiture for a breach of any of the  
12 following prohibitions and requirements:

13 (1) (A) Except as provided in subparagraphs (B) and (C), the  
14 business shall be conducted only in the buildings designated in the  
15 license.

16 (B) A person licensed pursuant to subdivision (a) may take  
17 possession of firearms and commence preparation of registers for  
18 the sale, delivery, or transfer of firearms at gun shows or events,  
19 as defined in Section 178.100 of Title 27 of the Code of Federal  
20 Regulations, or its successor, if the gun show or event is not  
21 conducted from any motorized or towed vehicle. A person  
22 conducting business pursuant to this subparagraph shall be entitled  
23 to conduct business as authorized herein at any gun show or event  
24 in the state without regard to the jurisdiction within this state that  
25 issued the license pursuant to subdivision (a), provided the person  
26 complies with (i) all applicable laws, including, but not limited to,  
27 the waiting period specified in subparagraph (A) of paragraph (3),  
28 and (ii) all applicable local laws, regulations, and fees, if any.

29 A person conducting business pursuant to this subparagraph  
30 shall publicly display his or her license issued pursuant to  
31 subdivision (a), or a facsimile thereof, at any gun show or event,  
32 as specified in this subparagraph.

33 (C) A person licensed pursuant to subdivision (a) may engage  
34 in the sale and transfer of firearms other than pistols, revolvers, or  
35 other firearms capable of being concealed upon the person, at  
36 events specified in subdivision (g) of Section 12078, subject to the  
37 prohibitions and restrictions contained in that subdivision.

38 A person licensed pursuant to subdivision (a) also may accept  
39 delivery of firearms other than pistols, revolvers, or other firearms  
40 capable of being concealed upon the person, outside the building

1 designated in the license, provided the firearm is being donated for  
2 the purpose of sale or transfer at an auction or similar event  
3 specified in subdivision (g) of Section 12078.

4 (D) The firearm may be delivered to the purchaser, transferee,  
5 or person being loaned the firearm at one of the following places:

6 (i) The building designated in the license.

7 (ii) The places specified in subparagraph (B) or (C).

8 (iii) The place of residence of, the fixed place of business of,  
9 or on private property owned or lawfully possessed by, the  
10 purchaser, transferee, or person being loaned the firearm.

11 (2) The license or a copy thereof, certified by the issuing  
12 authority, shall be displayed on the premises where it can easily be  
13 seen.

14 (3) No firearm shall be delivered:

15 (A) Within 10 days of the application to purchase, or, after  
16 notice by the department pursuant to subdivision (d) of Section  
17 12076, within 10 days of the submission to the department of any  
18 correction to the application, or within 10 days of the submission  
19 to the department of any fee required pursuant to subdivision (e)  
20 of Section 12076, whichever is later.

21 (B) Unless unloaded and securely wrapped or unloaded and in  
22 a locked container.

23 (C) Unless the purchaser, transferee, or person being loaned the  
24 firearm presents clear evidence of his or her identity and age to the  
25 dealer.

26 (D) Whenever the dealer is notified by the Department of  
27 Justice that the person is in a prohibited class described in Section  
28 12021 or 12021.1 of this code or Section 8100 or 8103 of the  
29 Welfare and Institutions Code. The dealer shall make available to  
30 the person in the prohibited class a prohibited notice and transfer  
31 form, provided by the department, stating that the person is  
32 prohibited from owning or possessing a firearm, and that the  
33 person may obtain from the department the reason for the  
34 prohibition.

35 (4) No pistol, revolver, or other firearm or imitation thereof  
36 capable of being concealed upon the person, or placard advertising  
37 the sale or other transfer thereof, shall be displayed in any part of  
38 the premises where it can readily be seen from the outside.

(5) The licensee shall agree to and shall act properly and promptly in processing firearms transactions pursuant to Section 12082.

(6) The licensee shall comply with Sections 12073, 12076, and 12077, subdivisions (a) and (b) and paragraph (1) of subdivision (f) of Section 12072, and subdivision (a) of Section 12316.

(7) The licensee shall post conspicuously within the licensed premises the following warnings in block letters not less than one inch in height:

(A) “IF YOU KEEP A LOADED FIREARM WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A MISDEMEANOR OR A FELONY UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER OR LOCKED THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY FUNCTIONING.”

(B) “IF YOU KEEP A PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF BEING CONCEALED UPON THE PERSON, WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO THE FIREARM, AND CARRIES IT OFF-PREMISES, YOU MAY BE GUILTY OF A MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY FUNCTIONING.”

(C) “IF YOU KEEP ANY FIREARM WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO THE FIREARM, AND CARRIES IT OFF-PREMISES TO A SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY BE GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP TO FIVE THOUSAND DOLLARS (\$5,000), UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH A LOCKING DEVICE.”

(D) “DISCHARGING FIREARMS IN POORLY VENTILATED AREAS, CLEANING FIREARMS, OR HANDLING AMMUNITION MAY RESULT IN EXPOSURE

1 TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH  
2 DEFECTS, REPRODUCTIVE HARM, AND OTHER SERIOUS  
3 PHYSICAL INJURY. HAVE ADEQUATE VENTILATION AT  
4 ALL TIMES. WASH HANDS THOROUGHLY AFTER  
5 EXPOSURE.”

6 (E) “FEDERAL REGULATIONS PROVIDE THAT IF YOU  
7 DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM  
8 THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30  
9 DAYS AFTER YOU COMPLETE THE INITIAL  
10 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE  
11 TO GO THROUGH THE BACKGROUND CHECK PROCESS  
12 A SECOND TIME IN ORDER TO TAKE PHYSICAL  
13 POSSESSION OF THAT FIREARM.”

14 (F) “NO PERSON SHALL MAKE AN APPLICATION TO  
15 PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR  
16 OTHER FIREARM CAPABLE OF BEING CONCEALED  
17 UPON THE PERSON WITHIN ANY 30-DAY PERIOD AND  
18 NO DELIVERY SHALL BE MADE TO ANY PERSON WHO  
19 HAS MADE AN APPLICATION TO PURCHASE MORE  
20 THAN ONE PISTOL, REVOLVER, OR OTHER FIREARM  
21 CAPABLE OF BEING CONCEALED UPON THE PERSON  
22 WITHIN ANY 30-DAY PERIOD.”

23 (8) (A) Commencing April 1, 1994, and until January 1, 2003,  
24 no pistol, revolver, or other firearm capable of being concealed  
25 upon the person shall be delivered unless the purchaser, transferee,  
26 or person being loaned the firearm presents to the dealer a basic  
27 firearms safety certificate.

28 (B) Commencing January 1, 2003, no dealer may deliver a  
29 handgun unless the person receiving the handgun presents to the  
30 dealer a valid handgun safety certificate. The firearms dealer shall  
31 retain a photocopy of the handgun safety certificate as proof of  
32 compliance with this requirement.

33 (C) Commencing January 1, 2003, no handgun may be  
34 delivered unless the purchaser, transferee, or person being loaned  
35 the firearm presents documentation indicating that he or she is a  
36 California resident. Satisfactory documentation shall include a  
37 utility bill from within the last three months, a residential lease, a  
38 property deed, or military permanent duty station orders indicating  
39 assignment within this state, or other evidence of residency as  
40 permitted by the Department of Justice. The firearms dealer shall



1 retain a photocopy of the documentation as proof of compliance  
2 with this requirement.

3 (D) Commencing January 1, 2003, except as authorized by the  
4 department, no firearms dealer may deliver a handgun unless the  
5 recipient performs a safe handling demonstration with that  
6 handgun. The demonstration shall commence with the handgun  
7 unloaded and locked with the firearm safety device with which it  
8 is required to be delivered, if applicable. While maintaining  
9 muzzle awareness, that is, the firearm is pointed in a safe direction,  
10 preferably down at the ground, and trigger discipline, that is, the  
11 trigger finger is outside of the trigger guard and along side of the  
12 handgun frame, at all times, the handgun recipient shall correctly  
13 and safely perform the following:

14 (i) If the handgun is a semiautomatic pistol:

15 (I) Remove the magazine.

16 (II) Lock the slide back. If the model of firearm does not allow  
17 the slide to be locked back, pull the slide back, visually and  
18 physically check the chamber to ensure that it is clear.

19 (III) Visually and physically inspect the chamber, to ensure that  
20 the handgun is unloaded.

21 (IV) Remove the firearm safety device, if applicable. If the  
22 firearm safety device prevents any of the previous steps, remove  
23 the firearm safety device during the appropriate step.

24 (V) Load one bright orange, red, or other readily identifiable  
25 dummy round into the magazine. If no readily identifiable dummy  
26 round is available, an empty cartridge casing with an empty primer  
27 pocket may be used.

28 (VI) Insert the magazine into the magazine well of the firearm.

29 (VII) Manipulate the slide release or pull back and release the  
30 slide.

31 (VIII) Remove the magazine.

32 (IX) Visually inspect the chamber to reveal that a round can be  
33 chambered with the magazine removed.

34 (X) Lock the slide back to eject the bright orange, red, or other  
35 readily identifiable dummy round. If the handgun is of a model that  
36 does not allow the slide to be locked back, pull the slide back and  
37 physically check the chamber to ensure that the chamber is clear.  
38 If no readily identifiable dummy round is available, an empty  
39 cartridge casing with an empty primer pocket may be used.

40 (XI) Apply the safety, if applicable.

(XII) Apply the firearm safety device, if applicable. This requirement shall not apply to an Olympic competition pistol if no firearms safety device, other than a cable lock that the department has determined would damage the barrel of the pistol, has been approved for the pistol, and the pistol is either listed in paragraph (2) of subdivision (h) of Section 12132 or is subject to paragraph (3) of subdivision (h) of Section 12132.

(ii) If the handgun is a double-action revolver:

(I) Open the cylinder.

(II) Visually and physically inspect each chamber, to ensure that the revolver is unloaded.

(III) Remove the firearm safety device. If the firearm safety device prevents any of the previous steps, remove the firearm safety device during the appropriate step.

(IV) While maintaining muzzle awareness and trigger discipline, load one bright orange, red, or other readily identifiable dummy round into a chamber of the cylinder and rotate the cylinder so that the round is in the next-to-fire position. If no readily identifiable dummy round is available, an empty cartridge casing with an empty primer pocket may be used.

(V) Close the cylinder.

(VI) Open the cylinder and eject the round.

(VII) Visually and physically inspect each chamber to ensure that the revolver is unloaded.

(VIII) Apply the firearm safety device, if applicable. This requirement shall not apply to an Olympic competition pistol if no firearms safety device, other than a cable lock that the department has determined would damage the barrel of the pistol, has been approved for the pistol, and the pistol is either listed in paragraph (2) of subdivision (h) of Section 12132 or is subject to paragraph (3) of subdivision (h) of Section 12132.

(iii) If the handgun is a single-action revolver:

(I) Open the loading gate.

(II) Visually and physically inspect each chamber, to ensure that the revolver is unloaded.

(III) Remove the firearm safety device required to be sold with the handgun. If the firearm safety device prevents any of the previous steps, remove the firearm safety device during the appropriate step.

1 (IV) Load one bright orange, red, or other readily identifiable  
2 dummy round into a chamber of the cylinder, close the loading  
3 gate and rotate the cylinder so that the round is in the next-to-fire  
4 position. If no readily identifiable dummy round is available, an  
5 empty cartridge casing with an empty primer pocket may be used.

6 (V) Open the loading gate and unload the revolver.

7 (VI) Visually and physically inspect each chamber to ensure  
8 that the revolver is unloaded.

9 (VII) Apply the firearm safety device, if applicable. This  
10 requirement shall not apply to an Olympic competition pistol if no  
11 firearms safety device, other than a cable lock that the department  
12 has determined would damage the barrel of the pistol, has been  
13 approved for the pistol, and the pistol is either listed in paragraph  
14 (2) of subdivision (h) of Section 12132 or is subject to paragraph  
15 (3) of subdivision (h) of Section 12132.

16 (E) The recipient shall receive instruction regarding how to  
17 render that handgun safe in the event of a jam.

18 (F) The firearms dealer shall sign and date an affidavit stating  
19 that the requirements of subparagraph (D) have been met. The  
20 firearms dealer shall additionally obtain the signature of the  
21 handgun purchaser on the same affidavit. The firearms dealer shall  
22 retain the original affidavit as proof of compliance with this  
23 requirement.

24 (G) The recipient shall perform the safe handling  
25 demonstration for a department certified instructor.

26 (H) No demonstration shall be required if the dealer is  
27 returning the handgun to the owner of the handgun.

28 (I) Department certified instructors who may administer the  
29 safe handling demonstration shall meet the requirements set forth  
30 in subdivision (j) of Section 12804.

31 (J) The persons who are exempt from the requirements of  
32 subdivision (b) of Section 12801, pursuant to Section 12807, are  
33 also exempt from performing the safe handling demonstration.

34 (9) Commencing July 1, 1992, the licensee shall offer to  
35 provide the purchaser or transferee of a firearm, or person being  
36 loaned a firearm, with a copy of the pamphlet described in Section  
37 12080 and may add the cost of the pamphlet, if any, to the sales  
38 price of the firearm.

39 (10) The licensee shall not commit an act of collusion as  
40 defined in Section 12072.



1 (11) The licensee shall post conspicuously within the licensed  
2 premises a detailed list of each of the following:

3 (A) All charges required by governmental agencies for  
4 processing firearm transfers required by Sections 12076, 12082,  
5 and 12806.

6 (B) All fees that the licensee charges pursuant to Sections  
7 12082 and 12806.

8 (12) The licensee shall not misstate the amount of fees charged  
9 by a governmental agency pursuant to Sections 12076, 12082, and  
10 12806.

11 (13) The licensee shall report the loss or theft of any firearm  
12 that is merchandise of the licensee, any firearm that the licensee  
13 takes possession of pursuant to Section 12082, or any firearm kept  
14 at the licensee's place of business within 48 hours of discovery to  
15 the appropriate law enforcement agency in the city, county, or city  
16 and county where the licensee's business premises are located.

17 (14) In a city and county, or in the unincorporated area of a  
18 county with a population of 200,000 persons or more according to  
19 the most recent federal decennial census or within a city with a  
20 population of 50,000 persons or more according to the most recent  
21 federal decennial census, any time the licensee is not open for  
22 business, the licensee shall store all firearms kept in his or her  
23 licensed place of business using one of the following methods as  
24 to each particular firearm:

25 (A) Store the firearm in a secure facility that is a part of, or that  
26 constitutes, the licensee's business premises.

27 (B) Secure the firearm with a hardened steel rod or cable of at  
28 least one-eighth inch in diameter through the trigger guard of the  
29 firearm. The steel rod or cable shall be secured with a hardened  
30 steel lock that has a shackle. The lock and shackle shall be  
31 protected or shielded from the use of a bolt cutter and the rod or  
32 cable shall be anchored in a manner that prevents the removal of  
33 the firearm from the premises.

34 (C) Store the firearm in a locked fireproof safe or vault in the  
35 licensee's business premises.

36 (15) The licensing authority in an unincorporated area of a  
37 county with a population of less than 200,000 persons according  
38 to the most recent federal decennial census or within a city with a  
39 population of less than 50,000 persons according to the most recent

1 federal decennial census may impose the requirements specified  
2 in paragraph (14).

3 (16) Commencing January 1, 1994, the licensee shall, upon the  
4 issuance or renewal of a license, submit a copy of the same to the  
5 Department of Justice.

6 (17) The licensee shall maintain and make available for  
7 inspection during business hours to any peace officer, authorized  
8 local law enforcement employee, or Department of Justice  
9 employee designated by the Attorney General, upon the  
10 presentation of proper identification, a firearms transaction  
11 record.

12 (18) (A) On the date of receipt, the licensee shall report to the  
13 Department of Justice in a format prescribed by the department the  
14 acquisition by the licensee of the ownership of a pistol, revolver,  
15 or other firearm capable of being concealed upon the person.

16 (B) The provisions of this paragraph shall not apply to any of  
17 the following transactions:

18 (i) A transaction subject to the provisions of subdivision (n) of  
19 Section 12078.

20 (ii) The dealer acquired the firearm from a wholesaler.

21 (iii) The dealer is also licensed as a secondhand dealer pursuant  
22 to Article 4 (commencing with Section 21625) of Chapter 9 of  
23 Division 8 of the Business and Professions Code.

24 (iv) The dealer acquired the firearm from a person who is  
25 licensed as a manufacturer or importer to engage in those activities  
26 pursuant to Chapter 44 (commencing with Section 921) of Title 18  
27 of the United States Code and any regulations issued pursuant  
28 thereto.

29 (v) The dealer acquired the firearm from a person who resides  
30 outside this state who is licensed pursuant to Chapter 44  
31 (commencing with Section 921) of Title 18 of the United States  
32 Code and any regulations issued pursuant thereto.

33 (19) The licensee shall forward in a format prescribed by the  
34 Department of Justice, information as required by the department  
35 on any firearm that is not delivered within the time period set forth  
36 in Section 178.102 (c) of Title 27 of the Code of Federal  
37 Regulations.

38 (20) *The licensee shall, at the time a firearm is delivered to the*  
39 *purchaser, provide to every handgun purchaser who is exempted*  
40 *from possessing a Handgun Safety Certificate pursuant to Section*



1 *12807, a copy of the Handgun Safety Certificate Handbook,*  
2 *published by the Department of Justice.*

3 (c) (1) As used in this article, “clear evidence of his or her  
4 identity and age” means either of the following:

5 (A) A valid California driver’s license.

6 (B) A valid California identification card issued by the  
7 Department of Motor Vehicles.

8 (2) As used in this section, a “secure facility” means a building  
9 that meets all of the following specifications:

10 (A) All perimeter doorways shall meet one of the following:

11 (i) A windowless steel security door equipped with both a dead  
12 bolt and a doorknob lock.

13 (ii) A windowed metal door that is equipped with both a dead  
14 bolt and a doorknob lock. If the window has an opening of 5 inches  
15 or more measured in any direction, the window shall be covered  
16 with steel bars of at least  $\frac{1}{2}$  inch diameter or metal grating of at  
17 least 9 gauge affixed to the exterior or interior of the door.

18 (iii) A metal grate that is padlocked and affixed to the licensee’s  
19 premises independent of the door and doorframe.

20 (B) All windows are covered with steel bars.

21 (C) Heating, ventilating, air-conditioning, and service  
22 openings are secured with steel bars, metal grating, or an alarm  
23 system.

24 (D) Any metal grates have spaces no larger than 6 inches wide  
25 measured in any direction.

26 (E) Any metal screens have spaces no larger than 3 inches wide  
27 measured in any direction.

28 (F) All steel bars shall be no further than 6 inches apart.

29 (3) As used in this section, “licensed premises,” “licensed  
30 place of business,” “licensee’s place of business,” or “licensee’s  
31 business premises” means the building designated in the license.

32 (4) For purposes of paragraph (17) of subdivision (b):

33 (A) A “firearms transaction record” is a record containing the  
34 same information referred to in subdivision (a) of Section  
35 178.124, Section 178.124a, and subdivision (e) of Section  
36 178.125 of Title 27 of the Code of Federal Regulations.

37 (B) A licensee shall be in compliance with the provisions of  
38 paragraph (17) of subdivision (b) if he or she maintains and makes  
39 available for inspection during business hours to any peace officer,  
40 authorized local law enforcement employee, or Department of

1 Justice employee designated by the Attorney General, upon the  
2 presentation of proper identification, the bound book containing  
3 the same information referred to in Section 178.124a and  
4 subdivision (e) of Section 178.125 of Title 27 of the Code of  
5 Federal Regulations and the records referred to in subdivision (a)  
6 of Section 178.124 of Title 27 of the Code of Federal Regulations.

7 (d) Upon written request from a licensee, the licensing  
8 authority may grant an exemption from compliance with the  
9 requirements of paragraph (14) of subdivision (b) if the licensee  
10 is unable to comply with those requirements because of local  
11 ordinances, covenants, lease conditions, or similar circumstances  
12 not under the control of the licensee.

13 (e) (1) Except as otherwise provided in this paragraph, the  
14 Department of Justice shall keep a centralized list of all persons  
15 licensed pursuant to subparagraphs (A) to (E), inclusive, of  
16 paragraph (1) of subdivision (a), and all persons who have  
17 submitted information pursuant to subdivision (a) of Section  
18 12083. The department may remove from this list any person who  
19 knowingly or with gross negligence violates this article. Upon  
20 removal of a dealer from this list, notification shall be provided to  
21 local law enforcement and licensing authorities in the jurisdiction  
22 where the dealer's business is located.

23 (2) The department shall remove from the centralized list any  
24 person whose federal firearms license has expired or has been  
25 revoked.

26 (3) Information compiled from the list shall be made available,  
27 upon request, for the following purposes only:

28 (A) For law enforcement purposes.

29 (B) When the information is requested by a person licensed  
30 pursuant to Chapter 44 (commencing with Section 921) of Title 18  
31 of the United States Code for determining the validity of the  
32 license for firearm shipments.

33 (C) When information is requested by a person promoting,  
34 sponsoring, operating, or otherwise organizing a show or event as  
35 defined in Section 178.100 of Title 27 of the Code of Federal  
36 Regulations, or its successor, who possesses a valid certificate of  
37 eligibility issued pursuant to Section 12071.1, if that information  
38 is requested by the person to determine the eligibility of a  
39 prospective participant in a gun show or event to conduct

1 transactions as a firearms dealer pursuant to subparagraph (B) of  
2 paragraph (1) of subdivision (b).

3 (4) Information provided pursuant to paragraph (3) shall be  
4 limited to information necessary to corroborate an individual's  
5 current license status as being one of the following:

6 (A) A person licensed pursuant to subparagraphs (A) to (E),  
7 inclusive, of paragraph (1) of subdivision (a).

8 (B) A person licensed pursuant to Chapter 44 (commencing  
9 with Section 921) of Title 18 of the United States Code and who  
10 is not subject to the requirement that he or she be licensed pursuant  
11 to subparagraphs (A) to (E), inclusive, of paragraph (1) of  
12 subdivision (a).

13 (f) The Department of Justice may inspect dealers to ensure  
14 compliance with this article. The department may assess an annual  
15 fee, not to exceed one hundred fifteen dollars (\$115), to cover the  
16 reasonable cost of maintaining the list described in subdivision (e),  
17 including the cost of inspections. Dealers whose place of business  
18 is in a jurisdiction that has adopted an inspection program to ensure  
19 compliance with firearms law shall be exempt from that portion of  
20 the department's fee that relates to the cost of inspections. The  
21 applicant is responsible for providing evidence to the department  
22 that the jurisdiction in which the business is located has the  
23 inspection program.

24 (g) The Department of Justice shall maintain and make  
25 available upon request information concerning the number of  
26 inspections conducted and the amount of fees collected pursuant  
27 to subdivision (f), a listing of exempted jurisdictions, as defined  
28 in subdivision (f), the number of dealers removed from the  
29 centralized list defined in subdivision (e), and the number of  
30 dealers found to have violated this article with knowledge or gross  
31 negligence.

32 (h) Paragraph (14) or (15) of subdivision (b) shall not apply to  
33 a licensee organized as a nonprofit public benefit or mutual benefit  
34 corporation organized pursuant to Part 2 (commencing with  
35 Section 5110) or Part 3 (commencing with Section 7110) of  
36 Division 2 of the Corporations Code, if both of the following  
37 conditions are satisfied:

38 (1) The nonprofit public benefit or mutual benefit corporation  
39 obtained the dealer's license solely and exclusively to assist that  
40 corporation or local chapters of that corporation in conducting

1 auctions or similar events at which firearms are auctioned off to  
2 fund the activities of that corporation or the local chapters of the  
3 corporation.

4 (2) The firearms are not pistols, revolvers, or other firearms  
5 capable of being concealed upon the person.

6 (i) (1) For every verification inquiry made pursuant to  
7 paragraph (1) of subdivision (f) of Section 12072, the department  
8 shall determine whether the intended recipient possesses an  
9 appropriate, valid license issued pursuant to Chapter 44  
10 (commencing with Section 921) of Title 18 of the United States  
11 Code and, if applicable, is properly licensed pursuant to this  
12 section.

13 (2) If the intended recipient possesses an appropriate, valid  
14 license issued pursuant to Chapter 44 (commencing with Section  
15 921) of Title 18 of the United States Code, and if applicable, is  
16 properly licensed pursuant to this section, the department shall  
17 immediately provide a unique verification number to the inquiring  
18 party.

19 (3) If the intended recipient does not possess an appropriate,  
20 valid license issued pursuant to Chapter 44 (commencing with  
21 Section 921) of Title 18 of the United States Code, or if applicable,  
22 is not properly licensed pursuant to this section, the department  
23 shall do all of the following:

24 (A) Immediately notify the inquiring party of that fact.

25 (B) Within 24 hours, notify the chief law enforcement officer  
26 of the jurisdiction where the address on the federal firearms license  
27 about which the inquiry was made is located, and notify an  
28 appropriate employee of the federal Bureau of Alcohol, Tobacco  
29 and Firearms of the denied verification.

30 *SEC. 3.* Section 12807 of the Penal Code is amended to read:

31 12807. (a) The following persons, properly identified, are  
32 exempted from the handgun safety certificate requirement in  
33 subdivision (b) of Section 12801:

34 (1) Any active or honorably retired peace officer, as defined in  
35 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

36 (2) Any active or honorably retired federal officer or law  
37 enforcement agent.

38 (3) Any reserve peace officer, as defined in Section 832.6.

39 (4) Any person who has successfully completed the course of  
40 training specified in Section 832.

1 (5) A firearms dealer licensed pursuant to Section 12071, who  
2 is acting in the course and scope of his or her activities as a person  
3 licensed pursuant to Section 12071.

4 (6) A federally licensed collector who is acquiring or being  
5 loaned a handgun that is a curio or relic, as defined in Section  
6 178.11 of Title 27 of the Code of Federal Regulations, who has a  
7 current certificate of eligibility issued to him or her by the  
8 department pursuant to Section 12071.

9 (7) A person to whom a handgun is being returned, where the  
10 person receiving the firearm is the owner of the firearm.

11 (8) A family member of a peace officer or deputy sheriff from  
12 a local agency who receives a firearm pursuant to Section 50081  
13 of the Government Code.

14 (9) Any individual who has a valid concealed weapons permit  
15 issued pursuant to Section 12050.

16 (10) An active, or honorably discharged member of the United  
17 States Armed Forces, the National Guard, the Air National Guard,  
18 the active reserve components of the United States, where  
19 individuals in those organizations are properly identified. For  
20 purposes of this section, proper identification includes the Armed  
21 Forces Identification Card, or other written documentation  
22 certifying that the individual is an active or honorably retired  
23 member.

24 (11) Any person who is authorized to carry loaded firearms  
25 pursuant to subdivision (c) or (d) of Section 12031.

26 (12) Persons who are the holders of a special weapons permit  
27 issued by the department pursuant to Section 12095, 12230,  
28 12250, or 12305.

29 (b) The following persons who take title or possession of a  
30 handgun by operation of law in a representative capacity, until or  
31 unless they transfer title ownership of the handgun to themselves  
32 in a personal capacity, are exempted from the handgun safety  
33 certificate requirement in subdivision (b) of Section 12801:

34 (1) The executor or administrator of an estate.

35 (2) A secured creditor or an agent or employee thereof when the  
36 firearms are possessed as collateral for, or as a result of, or an agent  
37 or employee thereof when the firearms are possessed as collateral  
38 for, or as a result of, a default under a security agreement under the  
39 Commercial Code.



- 1     (3) A levying officer, as defined in Section 481.140, 511.060,
- 2     or 680.260 of the Code of Civil Procedure.
- 3     (4) A receiver performing his or her functions as a receiver.
- 4     (5) A trustee in bankruptcy performing his or her duties.
- 5     (6) An assignee for the benefit of creditors performing his or
- 6     her functions as an assignee.

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